

Los Angeles Daily Journal
Friday, January 18, 2002

Coup Reshapes Legal Aid Programs:
One Directors' Path is Smooth While Another's is Rough

By Gina Keating
Daily Journal Staff Writer

LOS ANGELES - A government-sponsored coup last year made Bruce Iwasaki and Neal Dudovitz the kings of Los Angeles County's federally funded legal aid community.

The two men emerged atop a changed landscape that resulted from a decade of begging for a share of shrinking public dollars doled out by an unsympathetic GOP-controlled Congress. That era was capped in 1998, when the Legal Services Corp. forced 275 legal aid providers nationwide to combine into 179.

To comply with the orders from their main funding source, a new species of poverty lawyer emerged - a tech-savvy and button-down breed who swapped neighborhood walk-in offices for toll-free phone lines, self-help kiosks and Internet access to legal advice.

While some organizations made the dramatic change look effortless, for others, it did not come easy. And few programs provide more dramatic illustrations of the promise and pitfalls of government-funded legal services than Los Angeles County's two largest providers of federally funded services - Legal Aid Foundation of Los Angeles and Pacoima-based Neighborhood Legal Services of Los Angeles County.

From his offices in Koreatown, Iwasaki, a soft-spoken former O'Melveny & Myers attorney, quietly engineered a merger between a much smaller Legal Aid Society of Long Beach and his program, the Legal Aid Foundation of Los Angeles. The merger was completed peacefully within a year of the federal order.

Today, the programs operate seamlessly, offering new innovations - including toll-free multilingual phone advisers, expanded hours for domestic-violence clinics, and renewed immigration and consumer aid - built on the foundations of the old program. The organization is Los Angeles' largest government-funded group, with a budget of \$11 million leveraged into \$40 million in legal services to the poor.

Iwasaki's careful respect for the Long Beach program and its lawyers earned him the political capital he needed to complete his takeover in a matter of weeks.

"The Long Beach program had strong support in the community so in a situation like that, one has to recognize that it's not like a takeover where I have all the answers and I know best," Iwasaki said. "The people in the community who are working there have the

contacts and the knowledge that will allow service to continue."

Things have gone less smoothly across town. There, Dudovitz, a longtime poverty lawyer and executive director of the San Fernando Valley's 36-year-old legal aid program, continues to struggle with his hostile takeover of the neighboring San Gabriel-Pomona Valleys service area one year after it was accomplished.

On the bright side, Dudovitz has extended his respected program to clients in the San Gabriel-Pomona Valley, and he now operates on a much larger budget, \$6.5 million last year. However, his clash with the old San Gabriel program resulted in litigation, bitter feelings and a mission that some say is not clearly focused on serving poor people.

"It was a difficult situation that was probably mishandled by everyone," a longtime observer of the public interest community said of the San Fernando Valley-San Gabriel-Pomona Valley merger. "There are very few people who come out as the heroes. Personalities got involved when they shouldn't have. Things were said that caused bad feelings and couldn't be unsaid."

Iwasaki's merger with the smaller, 48-year-old Long Beach program was friendly and fast, and no one - not even Long Beach board members - lost a job.

When it was over, Iwasaki had \$1 million more in federal dollars and two new offices. Long Beach clients regained services they had lost years ago when federal budget cuts and dwindling grants reduced the staff of 15 lawyers to five and cut immigration and consumer law programs.

Iwasaki said, "[I judged the transition] better than I could have hoped for."

Former Long Beach Executive Director Toby Rothschild, now a policy wonk in Iwasaki's outfit, agreed.

"To some extent, I did look at it and say, 'We are the littlest kid on the block, and we don't want to get beat up so we need a bigger protector,'" Rothschild said. "Once we got past that, it became a real positive for the Long Beach program and Long Beach clients."

But to the San Gabriel-Pomona Valley legal aid program, the positives of merging with Dudovitz's program, San Fernando Valley Neighborhood Legal Services, were never obvious.

A meeting in late 1999 between Dudovitz and the San Gabriel-Pomona Valley program's board showed how little the two programs had in common and how difficult bridging the gap between their ideologies would be, Dudovitz recalled.

Although no merger plans were discussed, board members at the smaller program knew of Dudovitz's preference for impact litigation over direct services.

"We had a discussion about what our separate views were," Dudovitz said. "The message we got was that they wanted their program to stay as it was."

Lauralea Saddick, former executive director of the San Gabriel-Pomona Valley program, said her board simply did not share Dudovitz's desire to spend money influencing social policy and participating in high-profile litigation over poverty-related issues.

"Our board's philosophy was that the money given by the federal government was to help people with basic everyday needs," Saddick said. "It might take a little bit of humility to take those kinds of cases. Impact work is very important ... but what was the good of getting the law changed if no one is there to help the individual?"

Before the San Gabriel program was subsumed by Dudovitz's group, it offered to merge with the Legal Aid Society of Orange County. The boards of both organizations eschewed impact litigation in favor of the 1960s model of providing direct client services. Supported by resolutions from the Pasadena, San Gabriel, Eastern and Foothill bar associations, the two programs drew up plans to merge and submitted them to the Legal Services Corp.

Dudovitz won Iwasaki's backing to oppose the deal, and Legal Services Corp., the national funding source, overruled the proposed San Gabriel-Pomona Valley/Orange County merger. On Jan. 27, 2001, the federal agency awarded the San Gabriel-Pomona Valley service area to Dudovitz under the umbrella of an expanded San Fernando program, citing the location of both programs in Los Angeles, which would allow "better coordinated and more effective advocacy on county government policies."

The San Gabriel-Pomona Valley program sued Legal Services Corp. to stop the takeover, claiming the federal program based the decision on favoritism for the politically active Dudovitz and the politically powerful Iwasaki.

Though the federal suit accomplished little, it effectively suspended the end of the old program and the start of the new one for nearly a year. Hundreds of case files, as well as two offices in Pasadena and Pomona, remained under the old program's control until the litigation ended in August 2001.

"We weren't being uncooperative in the matter, they were not reasoning [the transition] out like lawyers," former San Gabriel-Pomona Valley board President Jerome Applebaum said.

During this period, Dudovitz did what he could to claim his new territory - a huge area bounded by the Ventura, Kern, San Bernardino and Riverside county lines and state Route 60. He renamed his program Neighborhood Legal Services of Los Angeles County.

He set up a temporary office in El Monte, advertised his toll-free phone line through the radio, local elected officials and the courts. He sent paralegals and staff attorneys to

conduct several daylong educational clinics at local churches, schools and community-based organizations. And he accepted city officials' invitations to analyze and comment on a low-income housing ordinance in Pasadena along with other housing advocates. Neighborhood Legal Services participated in several cooperative efforts with homeless advocacy and health care agencies in his new territory.

Dudovitz said that he is halfway to his goal of reorganizing his new territory.

Still untaken are several steps that required goodwill from local bar associations and others who had opposed the combination.

"[I am] not a fan of Neal's," admitted John Peck, a former board member of the San Gabriel-Pomona Valley program and a Pasadena Bar Association board member.

Peck says bad feelings still linger among allies of the old program who feel left out.

"They really screwed us. We had a good program," Peck said.

An observer familiar with the reconfiguration debate who requested anonymity wondered why Dudovitz had not spent more time mending fences.

"He ought to be bending over backwards for reconciliation, but if you want to do impact work and people in the San Gabriel Valley want direct services, you have to accommodate that or change your approach," the observer said. "Neal would never consider doing that."

More than a year after he officially incorporated the San Gabriel-Pomona Valley, Dudovitz had not placed a local resident on the board of Neighborhood Legal Services or made the rounds of the private legal community to recruit the volunteer lawyers.

"Our emphasis has been on having our potential clients know about us and deliver services to them," Dudovitz said. "We have done that spectacularly."

He did not hire any of the old program's nine lawyers and has yet to permanently place any of his 18 new hires in the San Gabriel-Pomona Valley. The lack of a legal aid presence in Pomona prompted the bar association and court officials to start their own once-monthly family law clinic.

After learning of the effort, Dudovitz sent personnel to staff the clinic for three hours per week and is helping to write a grant application to fund a self-help kiosk for Pomona patterned on the center he pioneered in Van Nuys.

The help, although late, has earned Dudovitz some appreciation.

"There has been a transition and [the clinic] has helped to fill some void," said Deni Butler, administrator for the Eastern District Superior Court. "But we are working

together quite nicely contrary to what the other side issue is."

Scott Wheeler, president of the Eastern Bar Association of Los Angeles and an ally of the old program, said he mobilized his 200 members to staff the clinic after watching the ranks of unserved poor grow over the past year.

"We felt we needed to take care of something that had disappeared. We established the program because we were concerned about the changeover," Wheeler said.

While acknowledging that building the new program from the ground up has been slow going, Dudovitz expects to serve up to 30 percent more clients in the San Gabriel-Pomona Valley than his predecessors.

Of the 700,000 to 1 million people who are eligible for legal aid services in his combined area, Dudovitz estimated that he will serve more than 30,000 annually. During his first year in the new territory, he served 25,000 in the program - a 20 percent increase over his caseload for San Fernando alone, Dudovitz said.

"The reality is we have to make the transition step by step," Dudovitz said. "We need to establish some infrastructure before we go out. One of the worse things that you can do is promise services that we can't deliver."

During his 29-year tenure as a public interest lawyer, Dudovitz has proved that he can deliver on some of the Legal Services Corp.'s key objectives.

By 2000, he had diversified funding sources for his then-\$5.2 million budget so that just 32 percent came from federal programs. He got the rest from private funds and state and local government contracts and grants.

He hoped to do the same thing for the San Gabriel-Pomona Valley program, whose \$1.8 million budget was derived almost entirely of Legal Services Corp. grants.

He had learned the importance of reputation to private sector fund-raising after the Federal Emergency Management Agency cited his program before Congress for excellence in cases stemming from the 1994 Northridge earthquake.

"After that, we were able to raise funds," he said. "People generally want to give to programs that do quality work because they get results. We are creative and effective advocates."

Competitive bidding also became easier with a reputation to back up his grant proposals, and Dudovitz soon was raising enough to develop slick promotional materials and to share funds with other public interest programs to cement collaborative efforts on health care, policy advocacy, homelessness, domestic-violence assistance, self-help and technology development.

He developed a reputation as an innovator with a multimillion-dollar grant from the California Endowment to fund a countywide health advocacy program called Health Consumer Center of Los Angeles.

The 3-year-old program connected 10,000 poor people with health care and earned Dudovitz entrée to legislative committees and elected officials grappling with how to provide medical services for the poor.

Long before Legal Services Corp. advised legal aid programs to recruit more private-sector attorneys, Dudovitz in 1992 established domestic-violence clinics in four San Fernando Valley courthouses in a partnership with the local bar association.

He tapped that relationship again in 1999 to create two self-help legal access centers - one at the Van Nuys courthouse and the other at James Monroe High School in North Hills - where legal magnet students assist pro per defendants.

"One of the things that is clear is that we could throw 50 or 60 lawyers out there, and we could never approach the need in regards to providing one-on-one service," Dudovitz said. "But we can be effective if [we are] thoughtful about how we employ staff and the balance of the service we provide."

Dudovitz acknowledged that the acrimonious transition may not have been ideal for clients but said the range of services now available to them will more than compensate for any lapse of services.

Although he lauds his counterpart, Iwasaki, and the Long Beach community for their ideal marriage, Dudovitz had no regrets about his own stormy rise to power.

"They were one of probably a handful of places in the country where that happened," he said. "We have an opportunity to grow a program based on 30 years of experience - we aren't stuck with the old way. That's an opportunity that very few people have had."